

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

THE COMMONWEALTH OF PUERTO RICO  
ON ITS OWN BEHALF, AND AS PUBLIC  
TRUSTEE AND AS PARENS PATRIAE FOR  
THE CITIZENS OF THE COMMONWEALTH,  
THE ENVIRONMENTAL QUALITY BOARD  
OF THE COMMONWEALTH OF PUERTO  
RICO AND THE DEPARTMENT OF  
NATURAL RESOURCES OF THE  
COMMONWEALTH OF PUERTO RICO

Plaintiffs

vs

THE M/V EMILY S AND THE BARGE  
MORRIS J. BERMAN, in rem;  
METLIFE CAPITAL CORPORATION,  
PETER FRANK, BUNKER GROUP  
PUERTO RICO, INC., BUNKER GROUP,  
INC.; PARK LANE ASSOCIATES,  
PEDRO RIVERA, NEW ENGLAND MARINE  
SERVICES, INC., ABC INSURANCE  
COMPANY and DEF INSURANCE  
COMPANY in personam

Defendants

YAACOV EISAK

Intervening Plaintiff

RAUL HORTA-GONZALEZ  
DIEGA CASTILLO-HERNANDEZ  
ADOLFO ARNAU-SANCHEZ  
ROSA ALDAY-DE-ARNAU  
MARI RODRIGUEZ-HERRERO  
LILIAN RODRIGUEZ-HERRERO  
MAITE MALDONADO-HERNANDEZ  
MARGARITA RIVERA-MARRERO  
ANTONIO RODRIGUEZ-RODRIGUEZ  
MARTINA ESPIRIO-ROSARIO  
FERNANDO BIASCOCHEA  
LUCIA POLANCO-MARTINEZ  
RAFAELA CASTILLO-DE-PAULA

CIVIL 94-1019CCC  
CIVIL 94-1047CCC  
CIVIL 94-1058CCC  
CIVIL 94-1094CCC  
CIVIL 94-1917CCC  
CIVIL 94-1919CCC  
CIVIL 94-2376CCC  
CIVIL 95-1020CCC  
CIVIL 97-1020CCC

CIVIL 94-1019CCC

2

PEDRO UMPIERRE, HECTOR SANFELIS  
EDDIE MEJIAS, ROGELIO GONZALEZ  
UCRANIA MARTINEZ-POLANCO  
JACINTA ACOSTA-ALCEQUIEZ  
ISABEL MARTINEZ-DE-LA-CRUZ  
EDUARDO FELIZ-REYES  
JUAN VALERIO FLORIO-GONZALEZ  
MARIA ARAYA-GONZALEZ  
DANIEL NIEVES-MOLINA  
DULCE MARIA CONTRERAS  
OLIVIA FERNANDEZ-GRULLON  
JORGE ESPINOSA, CRISTINA BARNE  
MARIA A. PEÑA-CARRASCO  
AMALIA PEREZ, ALTAGRACIA LOPEZ  
and JORGE LUIS MATOS

Plaintiffs representative of  
proposed class

CAFE ST. ELMO, INC.,  
HAVANA SAN JUAN CORP.  
OASIS RESTAURANT, INC.  
EDDIE MEJIAS d/b/a SOUVENIR SHOP

individual Plaintiffs

vs

CIVIL 94-1047CCC

THE TUG EMILY S, and the Barge  
MORRIS J. BERMAN

Defendants in rem

A. CLYDE PRUITT; EMILY S. PRUITT  
PETER FRANK; JOHN DOE and/or  
RICHARD DOE; NEW ENGLAND MARINE  
SERVICES, INC.;  
EVELYN BERMAN FRANK  
SUSAN FRANK; JIM DOE and/or  
SAM DOE; STANDARD TANK CO.;  
PETER DOE; BUNKERS GROUP OF  
PUERTO RICO; CARIBBEAN PETROLEUM  
CORPORATION; JIMMY DOE;  
INSURANCE COMPANIES and/or

CIVIL 94-1019CCC

3

P & I CLUBS "A" THROUGH "J"

Defendants in personam

ESCAMBRON BEACH CLUB, INC.

Plaintiff

vs

CIVIL 94-1058CCC

M/V EMILY S.

BARGE MORRIS J. BERMAN, in rem;

NEW ENGLAND MARINE SERVICES, INC.

A. CLYDE PRUITT; EMILY S. PRUITT

DOE COMPANY, RICHARD ROE

Defendants

IN THE MATTER OF THE COMPLAINT  
OF METLIFE CAPITAL CORPORATION, as  
owner of the Tub "EMILY S," for  
Exoneration from or Limitation of  
Liability

CIVIL 94-1919CCC

ELGA GONZALEZ-MEJIAS and her son  
JOHAN MARQUEZ-GONZALEZ;  
PETRA VELEZ-GONZALEZ and her children;  
REYNALDO DE-JESUS-HERNANDEZ and his  
wife ALTAGRACIA LOZADA-OTERO  
and their conjugal partnership;  
WALDISTRUDI GUZMAN-LUCIANO and  
their children JEAN O. OSORIO-GUZMAN  
and ORLANDO OSORIO-GUZMAN;  
MIGUEL PAEZ-DE-LEON and his wife  
NEIDA ROMANO and their conjugal  
partnership and their children LIDIO L.  
PAEZ-ROMANO, ULISIS PAEZ-ROMANO  
and PATRICIA PAEZ-ROMANO;  
NEREIDA BERRIOS BERRIOS and her husband  
JUAN ARRIAGA and their conjugal partnership

Plaintiffs

vs

CIVIL 95-1020CCC

CIVIL 94-1019CCC

4

THE M/V EMILY S and the BARGE MORRIS  
J. BERMAN, in rem; METLIFE CAPITAL  
CORPORATION PETER FRANK, BUNKER  
GROUP PUERTO RICO, INC., BUNKER  
GROUP, INC; PARK LANE ASSOCIATES,  
PEDRO RIVERA, NEW ENGLAND  
MARINE SERVICES, INC,  
ABC INSURANCE COMPANY  
and DEF INSURANCE COMPANY in personam

Defendants

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UNITED STATES OF AMERICA

Plaintiff

VS

CIVIL 97-1020CCC

METLIFE CAPITAL CORPORATION, INC.  
NEW ENGLAND MARINE SERVICES, INC.  
BUNKER GROUP, INC., BUNKER GROUP  
PUERTO RICO, INC.; CARIBBEAN  
PETROLEUM CORPORATION, INC.,  
PUERTO RICO OPERATIONS, INC.;  
GLOBAL INSURANCE COMPANY, S.A.,  
UTICA MUTUAL INSURANCE COMPANY;  
AMERICAN HOME ASSURANCE COMPANY  
RELIANCE NATIONAL INSURANCE  
COMPANY; THE TRAVELERS INSURANCE  
COMPANY; WESTCHESTER FIRE INSURANCE  
COMPANY; ROYAL INSURANCE;  
RELIANCE INSURANCE COMPANY OF  
NEW YORK; ROYAL INSURANCE COMPANY  
OF AMERICA; CONTINENTAL INSURANCE  
COMPANY; CERTAIN UNDERWRITERS  
THROUGH INSCO MARINE, INC.;  
CERTAIN UNDERWRITERS THROUGH  
INSKO MARINE PROPERTY & CASUALTY  
LIMITED; WATER QUALITY INSURANCE  
SYNDICATE; LONDON & HULL MARITIME  
INSURANCE COMPANY, LTD., AXA T  
A/C; YORKSHIRE INSURANCE CO., LTD.;  
L A/C, NORWICH UNION FIRE INS.  
SOCIETY, LTD. NO. 1 A/C,  
CORNHILL INSURANCE P/C D A/C

CIVIL 94-1019CCC

5

PHOENIX ASSURANCE P/C  
PHOENIX ASSURANCE P/C LSA A/C,  
ZURICH RE (UK) LTD., HANSA MARINE  
INSURANCE COMPANY (UK) LTD.;  
PRUDENTIAL ASSURANCE COMPANY LTD.  
TRUST A/C NO. 2, SPHERE DRAKE  
INSURANCE CO. (UK) LTD., ANGLO  
AMERICAN INSURANCE COMPANY  
LIMITED

Defendants

### JUDGMENT

Considering the Joint Motion to Dismiss submitted by the Commonwealth of Puerto Rico on its own and as parens patriae for the Citizens of the Commonwealth, the Board on Environmental Quality of the Commonwealth of Puerto Rico, the Department of Natural Resources of the Commonwealth of Puerto Rico, and the Puerto Rico Tourism Company (hereinafter "the Commonwealth") and the United States of America on January 11, 2001 (**doCKET entry 794**), as well as the Settlement Agreement attached to this Order as Exhibit 1,

IT IS HEREBY ORDERED that the following parties are DISMISSED from Civil Actions 94-1019 and 97-1020, with prejudice:

- 1) MetLife Capital Corporation (now known as General Electric Capital Business Asset Funding Corporation) (hereinafter "MetLife Capital Corporation),
- 2) Water Quality Insurance Syndicate,
- 3) Caribbean Petroleum Corporation,
- 4) Bunker Group, Inc.,
- 5) Bunker Group Puerto Rico, Inc.,
- 6) New England Marine Services, Inc.,

CIVIL 94-1019CCC

6

- 7) Reliance Insurance Company,
- 8) Mutual Marine Office, Inc., and Utica Mutual Insurance Company, and
- 9) American Home Assurance Company.

IT IS FURTHER ORDERED AND ADJUDGED that any and all cross claims, counter-claims, and third-party claims brought against MetLife Capital Corporation, Water Quality Insurance Syndicate, Bunker Group Puerto Rico, Inc., New England Marine Services, Inc., Bunker Group, Inc., Caribbean Petroleum Corporation, and its underwriters Mutual Marine Office, Inc. an Utica Mutual Insurance Company and American Home Assurance Company, including all contribution claims against MetLife Capital Corporation in Civil Actions 94-1019 and 97-1020, are also DISMISSED, with prejudice.

IT IS FURTHER ORDERED AND ADJUDGED that any claims brought by the United States and/or the Commonwealth against the following parties are DISMISSED, with prejudice:

- 1) AXA f/k/a London & Hull, Yorkshire; Norwich Union; Cornhill; Phoenix Assurance; Zurich Re; Hansa Marine; Prudential; Sphere Drake; and Dai Tokyo Insurance;
- 2) Royal Insurance Company of America;
- 3) Continental Insurance Company;
- 4) INSCO Marine, Inc.;
- 5) Travelers Insurance Company;
- 6) Westchester Fire Insurance Company;
- 7) Reliance National Insurance Company;
- 8) Reliance National Insurance Company of New York;
- 9) Peter Frank;
- 10) Jane Kresch;

CIVIL 94-1019CCC

7

11) Pedro Rivera and

12) Puerto Rico Operations, Inc.

Accordingly, Civil Action 97-1020 is DISMISSED in its entirety.

The only remaining claim in Civil Action 94-1019 is the Commonwealth's claim against the M/V EMILY S in rem.

SO ORDERED AND ADJUDGED.

At San Juan, Puerto Rico, on January 19<sup>th</sup>, 2001.



CARMEN CONSUELO CEREZO  
United States District Judge